

REMARKS

This paper is filed in response to the Office Action dated May 21, 2004. As this paper is filed on August 20, 2004, this paper is timely filed.

I. Status of Amendments

Claims 41-92 were pending prior to this amendment. By this amendment, applicant cancels claims 79 and 80 without prejudice to refile, and adds new claims 93-94. Thus, claims 41-78 and 81-94 are now pending.

Because applicant previously paid fees for 3 independent and 52 total claims, applicant's amendments require no additional fees.

II. Response to the May 21, Office Action

In the May 21 Office Action, claims 41, 42, 44, 48-50, 51-60, 62, and 66-76 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turner (U.S. Patent No. 4,684,136) in view of Walker (U.S. Patent No. 6,193,606). Claims 43, 61, 77 and 78 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Turner in view of Walker in further view of Seelig et al. (U.S. Publ. No. 2003/0036418). Claims 45, 47, 63, 65, 79, and 81-92 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of Walker in further in view of Adams (U.S. Patent No. 6,120,031). Claims 64 and 80 were noted as having allowable subject matter.

Amended claim 41 recites, *inter alia*, "displaying a matrix including a plurality of spaces if the event has occurred, an initial display of the matrix having fewer than all of the plurality of spaces having a trivia topic associated therewith." Similarly, amended claim 59 recites, *inter alia*, "an initial display of the matrix having fewer than all of the plurality of spaces having a trivia topic associated therewith." As such, Turner, alone or in combination with any of Walker, Seelig or Adams, does not recite all the limitations of claims 41 and 59.

Turner states: "Each playing piece 16 is placed into an aperture 18 on the playing board 12 until three tic-tac-toe arrangements 22 are won in a vertical, horizontal or diagonal row to completely win the game." Col. 2:13-17. Turner also states: "The object of the game is for one team to win three tic-tac-toe subject areas 22 in a row (vertically, horizontally or diagonally)." Col. 2:64-66. Completely consistent with Turner is the concept that each and every subject area is initially present, such that combination of three subject areas may be formed in every direction - vertically, horizontally or diagonally. Nowhere does Turner state that one or more of the subject areas remain vacant, such that the types of combinations possible are reduced, as is the case in regard to the claimed subject matter of claims 41 and 59.

As for a teaching or suggestion to leave one of the subject areas of Turner vacant, the teaching or suggestion cannot come from Turner, as it has already been shown that Turner teaches and suggests nothing of the kind. As for Walker, Seelig and Adams, applicant finds no teaching or suggestion in these references as well. Therefore, whether taken individually or in combination with Walker, Seelig and/or Adams, Turner does not render obvious the subject matter of claims 41 and 59.

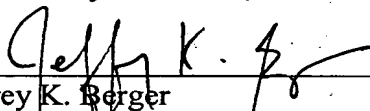
Because none of the cited references, alone or in combination, disclose, teach or suggest that the initial display of the matrix has fewer than all of the plurality of spaces having a trivia topic associated therewith, claims 41 and 59 are allowable. Moreover, claims 42-58 and 60-76 that depend from independent claims 41 and 59, respectively, are therefore also allowable because of, at least, their dependence from claims 41 and 59.

Independent claim 77 recites, *inter alia*, "providing a pass for use in lieu of receiving a selection of one of the plurality of possible answers in exchange for one of an amount of money and a number of game credits." As such, amended claim 77 incorporates the limitations of canceled claim 80, which limitations were acknowledged to be missing in the art of record. May 21 Office Action, at 8. Therefore claim 77, as amended, is allowable, and its respective dependent claims 78 and 81-94 are allowable as well.

In summary, in view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. Accordingly, the Examiner is respectfully requested to pass this application to issue. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. Further, if there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Dated: August 20, 2004

Respectfully submitted,

By 
Jeffrey K. Berger

Registration No.: 51,460

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Agent for Applicant